

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ohio National Life Assurance
Corporation,

Plaintiff,

v.

Steven M. Gamble; Amy LuAnne
Werth; Theresa Jean Erickson,
individually, and as parent and natural
guardian of Izaak Charles Erickson, a
minor; Michael Allen Erickson, a/k/a
Mickel or Mickal Erickson; and David
Homstad,

Defendants.

**AMENDED MEMORANDUM
OPINION AND ORDER**
Civil No. 06-658 ADM/JSM

Terrance J. Wagener, Esq., Krass Monroe, P.A., Minneapolis, MN, on behalf of Plaintiff.

On July 14, 2006, oral argument before the undersigned United States District Judge was heard on Plaintiff Ohio National Life Assurance Corporation's ("Plaintiff") Motion to Deposit Funds and to Recover Attorneys' Fees and Costs [Docket No. 9].

Pursuant to Rule 22 of the Federal Rules of Civil Procedure, and based upon all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion [Docket No. 9] is **GRANTED**. Federal Rule of Civil Procedure 22 provides a mechanism for the Plaintiff to join the above-named Defendants together in one lawsuit because the Plaintiff is at risk of exposure to double or multiple liability based on a dispute over the \$309,923.78 life insurance proceeds of Betty Ristow.

2. Plaintiff is directed to deposit the insurance proceeds with the Court, and upon such deposit, Plaintiff is dismissed as a party from this lawsuit.

3. The Court awards Plaintiff attorneys' fees in the amount of \$2,000, to be deducted from the insurance proceeds before they are deposited with the Court.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: July 17, 2006.